

JC10 Rec'd CTC/PTO 22 MAR 2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Jean Maureen BALL, legal representative of
deceased inventor Daniel Graham BALL

Application Serial No.: 10/511,066

U.S. Filing Date: October 12, 2004

PCT International Filing Date: April 8, 2003

For: PIPE REPAIR SYSTEM AND DEVICE

Attorney Docket: 85328-88009

Group Art Unit: 3679

Application Believed To Be In Central Filing

Examiner: Unknown

CERTIFICATION OF MAILING
UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.10

Mail Stop Petition
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that, on the date shown below, this correspondence and enclosures identified below are being deposited with the United States Postal Service in an envelope addressed to Mail Stop Petition, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. Section 1.8(a)

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37 C.F.R. Section 1.10*

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Enclosures:

- 1) Assertion of Small Entity Status, Request for Suspension of Rules and Request for Refund;
- 2) Transmittal for Assertion of Small Entity Status, Request for Suspension of Rules and Request for Refund; and
- 3) Postal Card.

Please charge any deficiency in fees and please credit any excess in fees in connection with this submission to Deposit Account 07-1985.

Respectfully submitted,

Peter S. Gilster, Reg. No. 25,337
Greensfelder, Hemker & Gale, PC
10 S. Broadway, Suite 2000
St. Louis, Missouri 63102
314-241-9090 Telephone
314-345-4704 Facsimile

Date

18 March 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : Attorney Docket: 85328-88009

Jean Maureen BALL, legal representative of : Group Art Unit: 3679
deceased inventor Daniel Graham BALL :

Application Serial No.: 10/511,066 : Application Believed To Be In Central Filing

U.S. Filing Date: October 12, 2004 : Examiner: Unknown

PCT International Filing Date: April 8, 2003 :

For: PIPE REPAIR SYSTEM AND DEVICE

TRANSMITTAL OF ASSERTION OF SMALL ENTITY STATUS,
REQUEST FOR SUSPENSION OF RULES AND REQUEST FOR REFUND

Mail Stop Petition
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

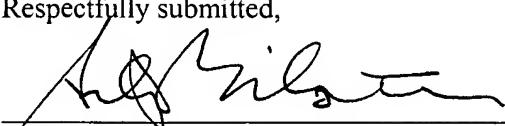
Sir:

Submitted herewith is the Assertion of Small Entity Status, Request for Suspension of Rules and Request for Refund.

Respectfully submitted,

march 18, 2005

Date


Peter S. Gilster, Reg. No. 25,337
Greensfelder, Hemker & Gale, PC
10 S. Broadway, Suite 2000
St. Louis, Missouri 63102
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CUSTOMER NUMBER: 22807

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Attorney Docket: 85328-88009
Jean Maureen BALL, legal representative of : Group Art Unit: 3679
deceased inventor Daniel Graham BALL :
Application Serial No.: 10/511,066 : Examiner: Unknown
U.S. Filing Date: October 12, 2004 :
PCT International Filing Date: April 8, 2003 :
For: PIPE REPAIR SYSTEM AND DEVICE

**ASSERTION OF SMALL ENTITY STATUS,
REQUEST FOR SUSPENSION OF RULES
AND REQUEST FOR REFUND**

Mail Stop Petition
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is hereby asserted that the above referenced patent application is entitled to small entity status. A refund of additional amount paid as large entity fee is requested accordingly. Request of suspension of the rules, as allowed under 37 CFR §1.183, is also made to permit such refund.

The above referenced application was filed in the U.S. on October 12, 2004, as the U.S. national stage of PCT application PCT/GB03/01509 (for which the international filing date is April 8, 2003) together with large entity filing fees. The large entity fees were submitted because, through circumstances making it unclear to the undersigned, the entity status of the applicant and obligation to assign was not known. It has just now become known by the undersigned that the application qualifies for small entity status. However, because the large entity filing fees were submitted more than three months ago, Applicant may not on the face of the matter be eligible for refund of large entity fees under 37 CFR §1.28.

On information and belief, the undersigned advises the Office that on October 7, 2004, the decedent inventor's representative, Mrs. Ball, had moved to Germany and her address was unknown

because her new address was not yet supplied to European patent attorneys for Applicant. The PCT application from which subject application derives named Gloway International ("Gloway") as the applicant for all States other than USA, but the inventor, Daniel Graham Ball, as applicant for the USA. Gloway had assigned rights for all other PCT States to Agrippa NV, and Mrs. Ball was believed to be obliged to assign the US Patent application similarly. On October 7, 2004 the undersigned requested from said European patent attorneys information about the entity size to determine fees before filing. Since the undersigned did not yet know the entity size, and information could not be obtained from Mrs. Ball, as a precaution, the undersigned paid the fees in the application on the basis of a large entity. The undersigned again requested information from the European patent attorneys on November 3, 2004, and on January 13, 2005. Not until receipt on February 7, 2005 of a letter dated January 31, 2005, was the undersigned informed that both Gloway and Agrippa are company entities with no employees. Therefore, not until February 7, 2005, did the undersigned learn that small entity fee status applies to subject application. Thus, no more than said European patent attorneys did the undersigned have any information of small entity status in this application.

Because the overpayment of fees were made due to an extraordinary situation, out of abundant precaution, and because the regulation regarding the time period for requesting a refund is not a requirement of the statutes but rather a matter of the rules, and because justice so requires to avoid a clear injustice to applicant, it is hereby requested that the Director suspend or waive the three month restriction for requesting a refund and that applicant be granted a refund in the amount of \$540.00.

It is not believed that any petition fees are due in connection with this submission, but should a petition fee be deemed by the Office to be required, please charge such fee or any deficiency to Deposit Account 07-1985.

Respectfully submitted,

March 18, 2005

Date

Peter S. Gilster, Reg. No. 25,337

Attorney for Applicant

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10 S. Broadway, Suite 2000

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